

EXHIBIT B

DRAFT PUBLIC PARTICIPATION PLAN

**WELDCRAFT STEEL & MARINE
BELLINGHAM, WASHINGTON**

APRIL 2003



INTRODUCTION

The Washington Department of Ecology (Ecology) has developed this **public participation plan** pursuant to the Model Toxics Control Act (MTCA) to promote public understanding and participation in the Weldcraft Steel & Marine (Weldcraft) cleanup. This plan describes the tools that Ecology uses to inform the public about site activities and identifies opportunities for the community to become involved.

This plan has been prepared by the Washington State Department of Ecology (Ecology) in cooperation with the Port of Bellingham (Port). Ecology and the Port have negotiated a draft legal agreement (called an **agreed order**) for the Port to perform an **interim action** and a **remedial investigation/feasibility study** at the Weldcraft site. The proposed interim action includes cleanup of contaminated marine sediment and the removal of a creosote-contaminated marine railway and the removal of creosote pilings at the Weldcraft site. (An interim action is distinguished from a cleanup action in that it only partially addresses the cleanup of a site.) In addition to this cleanup work, material dredged from Squalicum waterway would be used to construct a new habitat enhancement area outside Squalicum Harbor. The remaining upland portion of the site would be addressed separately by the final site cleanup at a later time.

Following this interim action, an environmental study (called a remedial investigation/feasibility study) would be performed to determine the effectiveness of the interim action and would detail the nature and extent of the remaining contamination at the site. This remedial investigation/feasibility study will also be made available for public review and comment.

The goal of this plan is to promote public understanding of the cleanup process and outline opportunities for public involvement, so that the community can provide comments and be involved throughout the process. The following sections provide background information on the site and community and describe the public involvement tools and activities for the Weldcraft site.

SITE BACKGROUND

The Weldcraft site is located at Squalicum Way and Harbor Loop Drive in Bellingham, Washington (Figure 1). The site, located on Port of Bellingham property adjacent to Squalicum Harbor, consists of upland and in-water areas. Upland areas include several buildings, open storage areas and parking lots. In-water areas include bulkheads, piers, docks, wharves, a marine railway and marine sediment.

The site area was formerly undeveloped tidelands of Bellingham Bay that were filled in the 1920s with material dredged during construction of the Squalicum Waterway. By the 1940s and 1950s, various large businesses began operation in the fill areas along the waterway. The Weldcraft facility was established on the site in 1946 and was initially involved in general boat repair activities.

The site has primarily operated as a boatyard that conducted various activities including: boat construction, repair and maintenance; wood and metal fabrication; painting; machinery construction, installation and repair; vessel haul-out and launching; storage, brokerage, retail and wholesale sales; and concrete work. The lease with the prior tenant/operator (Weldcraft Steel & Marine) was terminated in February 2000 and the Port obtained full operational control of the site in July 2000.

Several investigations have been performed by the Port in coordination with Ecology, including testing to characterize both upland and sediment contamination. Extensive cleanup of upland debris, derelict vessels, containerized wastes and stormdrain catchment basins was performed by the Port following the eviction of the previous tenant. The Port's new tenant, Seaview Boatyard North, is not associated with

any contamination at the site. The new tenant has installed a new collection and treatment system for washwater generated from hull cleaning.

The environmental problems to be addressed at the Weldcraft site include contamination of sediment and localized contaminated soil and groundwater in the upland portion of the site. The information collected to date regarding site history, physical site conditions, and sediment, soil and groundwater has been provided to Ecology in various reports prepared since 1993. The nature and extent of contamination exceeding regulatory standards at the site by area and media are shown on Figure 2 and includes:

In-water Areas Sediment

- The metals, tributyltin (TBT) and mercury, appear to be the primary contaminants of concern in sediment at the site. The contaminants are present in the upper four feet of sediment in the areas adjacent to the site shoreline. (This contamination would be addressed by the interim action.)
- The marine railway well is a constructed site feature that includes upland and intertidal areas. The contaminants detected in the sediment and soil from the marine railway well indicate impact from site operations and include elevated concentration of TBT, metals and semivolatile organic compounds (SVOCs). (This contamination would be addressed by the interim action.)

Upland Areas/Soil and Groundwater

- Gasoline constituents (TPH, benzene and total xylenes) are present in soil and groundwater in the area of a former fuel underground storage tank and dispenser island on the north side of Building 1.
- Diesel is present in soil beneath unlined Catch Basin Number 2.
- Lead is present in soil in a localized area near the northeast corner of Building 1.

SITE CLEANUP

The proposed interim action would include the cleanup of contaminated marine sediment and the removal of a creosote-contaminated marine railway and the removal of creosote pilings. The remaining upland portion of the site would be addressed separately by the final site assessment and cleanup at a later time. In addition to this cleanup work, material dredged from Squalicum waterway would be used to construct a new habitat enhancement area on the outside face of the breakwater for Squalicum Harbor. The interim action would be performed at the same time as redevelopment activities at the site. This coordination of redevelopment and cleanup will prevent the further spread of contaminated sediments that would occur if redevelopment activities were done without the cleanup of contaminated sediments. Coordinating redevelopment and cleanup will also minimize the amount of in-water construction which will help to protect sensitive aquatic life such as Chinook salmon.

Following the interim action, a remedial investigation/feasibility study will be conducted to determine the effectiveness of the interim action and will detail the nature and extent of the remaining contamination at the site. The remedial investigation/feasibility study will also evaluate alternatives for cleanup of the remaining contamination.

NEIGHBORHOOD PROFILE

Community Description

The Weldcraft site is located on the Bellingham waterfront within the Port's Squalicum Harbor facility. The site has been active as a boatyard since 1946. It is bounded by the Port's marina facilities to the south and by other industrial and commercial tenants in the area. Bellingham Cold Storage occupies property to the northwest of the site, across Squalicum Way. Bellingham Cold Storage includes seafood processing facilities and a fuel dock for the marina. Commercial tenants east of the Weldcraft site include various businesses, webhouses and restaurants that serve the marina community. The marina includes the Port's harbor offices, gatehouses and moorage facilities for over 1,400 commercial and recreational customers, including provisions for 100 liveaboards.

Key Community Concerns

Input on the project has been obtained during the Bellingham Bay Demonstration Pilot public outreach efforts, through previous land use planning efforts and meetings with yacht clubs, the Port's Marine Advisory committee and other project stakeholders. Concerns and interests expressed include the following:

- Preservation of commercial boatyard uses within Squalicum Harbor.
- Improvement of facilities to accommodate a full range of commercial and recreational vessels.
- Repair and upgrade of dilapidated structures.
- Cleanup of historic contamination problems at the site.
- Stewardship of aquatic land and resources near the site.
- Coordination of site cleanup and habitat restoration activities with other projects under the Bellingham Bay Demonstration Pilot.
- Compliance with current regulatory requirements for boatyard operation.

PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES

The purpose of this plan is to promote public understanding and participation in the cleanup activities planned for this site. This section of the plan addresses how Ecology and the Port will share information and receive public comments and community input on the site cleanup.

PUBLIC INVOLVEMENT ACTIVITIES

Ecology uses a variety of activities to facilitate public participation in the investigation and cleanup of MTCA sites. The following is a list of public involvement activities that Ecology will use, their purposes and descriptions of how they will be used during this site cleanup.

Formal Public Comment Periods

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions. Comment periods usually last 30 days and are required at key points during the investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing. Verbal comments are taken if a public hearing is held. After formal comment periods, Ecology reviews all comments received and will respond in a document called a *responsiveness summary*.

Ecology will consider the need for changes or revisions based on input from the public. If significant changes are made, then a second comment period may be held. If no significant changes are made, then the draft document(s) will be finalized.

The 30-day public comment period for the agreed order (which includes this public participation plan) is being held from April 29 to May 28, 2003. During this time, the community will have the opportunity to provide written comments on the following draft documents:

- ❖ Agreed order, which includes (but is not limited to) the interim action work plan, compliance monitoring plan and this public participation plan.
- ❖ State Environmental Policy Act documents issued by the Port: *SEPA checklist* and *mitigated determination of nonsignificance*. These documents address site environmental impacts for the interim action and associated site redevelopment activities.

Following completion of the draft remedial investigation/feasibility study (RI/FS), a 30-day comment period will be held for the RI/FS report. During this time, the community will have the opportunity to provide written comments on this document. Additional public comment periods will be held for any draft *cleanup action plans* that are developed for the site, and for any future legal agreements between Ecology and the Port regarding this site.

Public Meeting

Public meetings may be held at key points during the investigation and cleanup process. Ecology also may offer public meetings for actions expected to be of particular interest to the community. These meetings will be held at locations convenient to the community.

A public meeting regarding the proposed agreed order and SEPA documents will be held on May 15, 2003 at the Port of Bellingham, 1801 Roeder Avenue, Bellingham. An open house will be held at 6:30 followed by a public meeting at 7:00. After a brief presentation, Ecology and Port staff will take questions from the public.

Information Repositories

Information Repositories are places where the public may read and review site information, including documents that are the subject of public comment.

For the Weldcraft site, the information repositories are:

- Bellingham Public Library, 210 Central Avenue, Bellingham
Phone: (360) 676-6860
- Department of Ecology, Bellingham Field Office, 1204 Railroad Avenue, Suite 200
Phone: (360) 738-6250
- Department of Ecology, Northwest Regional Office, 3190 160th Avenue SE, Bellingham
Phone: (425) 649-7190

- Site information will also be posted on the Ecology web site at:
<http://www.ecy.wa.gov/programs/tcp/sites/sites.html>

Site Register

All public meetings, comment periods and many other activities are published every two weeks in Ecology's Site Register. To receive the Site Register, contact Sherrie Minnick at (360) 407-7200 or shan461@ecy.wa.gov.

Mailing List

Ecology, with the Port of Bellingham, has compiled a mailing list for the site. The list includes landowners adjacent to the site, businesses in the area, residents of the potentially affected community, marina customers, individuals, groups, public agencies, elected officials and other interested parties that request site-related mailings.

Please contact Jessica Paige at (360) 738-6280 or jpai461@ecy.wa.gov if you would like to have either your mailing or e-mail address added or deleted from this mailing list.

Fact Sheet

Ecology will mail fact sheets to persons and organizations interested in the Weldcraft site to inform them of public meetings and comment opportunities and important site activities. Ecology also may mail fact sheets about the progress of site activities.

Newspaper Ads

Display ads announcing formal comment periods and public meetings for the site will be placed in the *Bellingham Herald*.

PLAN UPDATE

This public participation plan may be updated as the project proceeds. If an update is necessary, the revised plan will be submitted to the public for comment.

POINTS OF CONTACT

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GLOSSARY

Agreed Order (AO): A legal document issued by Ecology, which formalizes an agreement between Ecology and the potentially liable persons for the actions needed at a site. An Agreed Order may be used for remedial actions except for non-routine cleanup actions and interim actions that constitute a substantial majority of a cleanup action likely to be selected. Since an Agreed Order is not a settlement, it shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution. An Agreed Order means that the potentially liable person agrees to perform remedial actions at the site in accordance with the provisions of the Agreed Order, and that Ecology will not take additional enforcement action against the potentially liable person to require those remedial actions specified in the Agreed Order, so long as the potentially liable person complies with the provisions of the order. Agreed Orders are subject to public comment. If an order substantially changes, an additional public comment period is provided.

Cleanup: Actions taken to deal with a release, or threatened release of hazardous substances that could affect public health and/or the environment. The term “cleanup” is often used broadly to describe various response actions or phases of remedial responses such as the remedial investigation/feasibility study.

Cleanup Action Plan (CAP): A document that explains which cleanup alternative(s) will be used at sites for the cleanup. The Cleanup Action Plan is based on information and technical analysis generated during the remedial investigation/feasibility study and consideration of public comments and community concerns.

Comment Period: A time period during which the public can review and comment on various documents and Ecology or EPA actions. For example, a comment period is provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans. Also, a comment period is held to allow community members to review and comment on draft feasibility studies.

Feasibility Study (FS): See Remedial Investigation/Feasibility Study

Information Repository: A file containing current information, technical reports, and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall, or library.

Interim Action: Any remedial action that partially addresses the cleanup of a site. It is an action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

Model Toxics Control Act (MTCA): Legislation passed by the State of Washington in 1988. Its purpose is to identify, investigate, and cleanup facilities where hazardous substances have been released. It defines the role of Ecology and encourages public involvement in the decision making process. MTCA regulations became effective March 1, 1989 and are administered by the Washington State Department of Ecology.

Public Participation Plan (PPP): A plan prepared to encourage coordinated and effective public involvement designed to the public’s needs at a particular site.

Remedial Investigation/Feasibility Study (RI/FS): Two distinct but related studies. They are usually performed at the same time, and together referred to as the “RI/FS.” They are intended to:

- Gather the data necessary to determine the type and extent of contamination;
- Establish criteria for cleaning up the site;
- Identify and screen cleanup alternatives for remedial action; and
- Analyze in detail the technology and costs of the alternatives.

Responsiveness Summary: A summary of oral and/or written public comments received by Ecology during a comment period on key documents, and Ecology’s responses to those comments. The responsiveness summary is especially valuable during the Cleanup Action Plan phase at a site when it highlights community concerns.